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PATENT
Attorney Docket No.: 19601-000120US

Assistant Commissioner for Patents
U. S. Patent and Trademark Office
Washington, D.C. 20231

On January 10, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Sara B. McPeak

Sara B. McPeak

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gil M. Vardi et al.

Application No.: 09/600,348

Filed: July 14, 2000

For: **EXTENDIBLE STENT
APPARATUS**

Examiner: Unassigned

Art Unit: Unassigned

**OATH / DECLARATION OF
ROASALINDA RAFAEL IN SUPPORT
OF PETITION UNDER 1.47(a)**

Assistant Commissioner for Patents
U. S. Patent and Trademark Office
Washington, D.C. 20231

I, Ms. Rosalinda Rafael, am an employee of Advanced Stent Technologies, Inc., Assignee of the above-referenced patent application. Both I and Ms. Cathy Liebow, a contractor for Advanced Stent Technologies, Inc., have made diligent efforts to contact Eric Elam, an inventor for the above-referenced case. We were unable to contact him, notwithstanding our efforts.

The last known address of Eric Elam is 1125 Davis Street, No. B-3, Evanston, Illinois 60201. The last known telephone number is (847) 328-6068. Mr. Elam has been successfully reached at this address in the past, such as more than six months ago. However, our attempts

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to contact him more recently, so that he may sign the oath and declaration for the above-referenced case, were unsuccessful.

On, October 23, 2000, Ms. Liebow sent formal documents to the inventor, Eric Elam, at the above address via Federal Express. Federal Express indicates an N. Bua signed for the package, however, the signed formal documents were not returned to Ms. Liebow by Mr. Elam.

I called the last known telephone number for Mr. Elam on or about the first week of January, 2001. The telephone had been disconnected. On or about January 9, 2001, I spoke to the three other inventors; Dr. Gil Vardi, Dr. Charles Davidson and Mr. Stuart Lin. All three indicated that they had not spoken to Mr. Elam recently and had no contact address or telephone number. On or about the first week of January, 2001, I asked several ex-co-workers of Mr. Elam whether they knew how to contact him. Specifically, I spoke to Yosi Morik, Greg Kapust, Stephen Kao, and Sepehr Fariabi. None of the above individuals had current information for Mr. Elam. Mr. Kapust, believed to be a fellow alumni of Northwestern University (NWU) with Mr. Elam, indicated the alumni list for NWU did not have an updated address for Mr. Elam. Mr. Kapust provided me with an email address for Mr. Elam (eelam2000@kellogg.nwu.edu). I sent Mr. Elam an email, but I have received no reply.

I also spoke to Eric Williams to see if he knew how to contact Mr. Elam, but Mr. Williams did not have updated contact information. Mr. Williams suggested I call Grayson Beck, whom apparently Mr. Elam used to keep in contact with. I spoke to Mr. Beck and he had not spoken to Mr. Elam for about a year and had no further contact information for him.

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The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent resulting therefrom, declare that I am authorized to execute this instrument on behalf of applicant; all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

Date: 01/10/01

Rosalinda Rafael
Rosalinda Rafael

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 303-571-4321
RTB:sbm DE 7030845 v1

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FedEx USA Airbill FedEx Tracking Number 818 8873 3693

Senders Copy

From Please print and print here **ADVANCED STENT TECHNOLOGIES**
 Date **1/23/00** Sender's FedEx Account Number **2090-6644-0**
 Sender's Name **CATHY LIEBOW** Phone **(925) 931-9990**

Company **ADVANCED STENT TECHNOLOGIES**
 Address **7026 KOLL CENTER PKWY STE 201**
 City **PLEASANTON** State **CA** ZIP **94566**

Your Internal Billing Reference **CP1043L**
 Recipient's Name **ERIC ELAM** Phone **847328-6068**

Company **# B-3**
 Address **1125 DAVIS ST.**
 City **EVANSTON** State **IL** ZIP **60201**

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4a Express Package Service

☒ FedEx Priority Overnight
 Next business morning

☐ FedEx Standard Overnight
 Next business afternoon

Packages up to 150 lbs.
 Delivery commitment may be later on heavy items

☐ FedEx First Overnight
 Earliest next business morning
 delivery to select locations

☐ FedEx 2Day®
 Second business day

☐ FedEx Express Saver®
 Third business day

* FedEx Letter Rate not available
 Minimum charges. See schedule rates

4b Express Freight Service

☐ FedEx 1Day Freight®
 Next business day

☐ FedEx 2Day Freight
 Second business day

☐ FedEx 3Day Freight
 Third business day

Packages over 150 lbs.
 Delivery commitment may be later in some areas

* Call for Confirmation

* Declared value limit \$500

5 Packaging

☒ FedEx Letter®

☐ FedEx Pak®

☐ Other Pkg.
 (please print box, FedEx
 tube, and customer job)

6 Special Handling

☐ Saturday Delivery
 Available for FedEx Priority
 Overnight and FedEx 2Day
 to select ZIP codes

☐ Sunday Delivery
 Available for FedEx Priority
 Overnight to select ZIP codes

☐ HOLD Weekday
 at FedEx Location
 Not available with
 FedEx First Overnight

☐ HOLD Saturday
 at FedEx Location
 Available for FedEx Priority
 Overnight and FedEx 2Day
 to select locations

Does this shipment contain dangerous goods?
 One box must be checked.

☒ No

☐ Yes

As per attached
 Shipper's Declaration

☐ Yes
 Shipper's Declaration
 not required

☐ Dry Ice
 Dry Ice, 9, UN 1845

Dangerous Goods cannot be shipped in FedEx packaging.

☐ Cargo Aircraft Only

7 Payment B/Nr:

Enter FedEx Acct. No. or Credit Card No. below

☒ Sender
 Acct. No. in Section 1
 will be billed

☐ Recipient

☐ Third Party

☐ Credit Card

☐ Cash/Check

FedEx Acct. No.
 Credit Card No.

Box
 Qty

Total Packages

Total Weight

Total Declared Value*

1

1

\$.00

*Our liability is limited to \$500 unless you declare a higher value. See back for details.

FedEx Use Only

8 Release Signature

Plan to authorize delivery without obtaining signature

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

359

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INVOICE NO.

Invoice Date:

Account Number:

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Oct 27, 2000

2090-6644-0

005446 41

0791709 6'008

Payment Type Detail (Original)

Picked up: Oct 23, 2000

Payor: Shipper

Reference: NO REFERENCE INFORMATION

- Fuel Surcharge - FedEx must apply a temporary fuel surcharge to reflect current market conditions as they relate to fuel costs.
- 1st attempt Oct 24, 2000 at 09:38 AM.
- RECIPIENT NOT IN/BUSINESS CLOSED
- Distance Based Pricing, Region 7

Airbill 818288733682
 Service Type FedEx Priority Overnight
 Package Type FedEx Envelope
 Region 7
 Pieces 1
 Weight 0
 Delivered Oct 25, 2000 09:45
 Service
 Area Code AA
 Signed By G. VARDI
 Bundle ID 000

Sender
 CATHY LIEBOW
 ADVANCED STENT TECHNOLOGIES
 7026 KOLL CENTER PKWY STE 201
 PLEASANTON CA 94566-3169 US

Recipient
 DR GIL VARDI
 14203 STEEL LANE COURT
 CHESTERFIELD MO 63017 US

Transportation Charge
 Fuel Surcharge
 Courier Pickup Charge

Total Transportation Charges

USD \$

16.0

0.0

3.1

19.1

FedEx Internal Use: 289082620/0000241/_/08

Picked up: Oct 23, 2000

Payor: Shipper

Reference: NO REFERENCE INFORMATION

- Fuel Surcharge - FedEx must apply a temporary fuel surcharge to reflect current market conditions as they relate to fuel costs.
- Distance Based Pricing, Region 8
- RELEASE SIGNATURE ON FILE

Airbill 818288733683
 Service Type FedEx Priority Overnight
 Package Type FedEx Envelope
 Region 8
 Pieces 1
 Weight 0
 Delivered Oct 24, 2000 10:03
 Service
 Area Code A1
 Signed By N BUA
 Bundle ID 000

Sender
 CATHY LIEBOW
 ADVANCED STENT TECHNOLOGIES
 7026 KOLL CENTER PKWY STE 201
 PLEASANTON CA 94566-3169 US

Recipient
 ERIC ELAM
 1125 DAVUS ST B-3
 EVANSTON IL 60201 US

Transportation Charge
 Fuel Surcharge
 Courier Pickup Charge

Total Transportation Charges

USD \$

16.0

0.0

3.1

19.1

FedEx Internal Use: 289082620/0000252/_/92

Payment Type Detail Subtotal

USD \$

434.7